

**Enrolled Minutes of the Ninety-Ninth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular (Rescheduled Meeting)  
Tuesday, December 27, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular (rescheduled) meeting on Tuesday, December 27, 2011 at 6:51 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper, and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular (rescheduled) meeting.
2. The Town Council discussed the Indiana requirement for particular added insurance in cases where there are underground fuel storage tanks. The discussion included whether it may be advisable to acquire above ground storage fuel tanks and the possible savings that may ensue owing to no longer being required by law to carry the additional liability insurance coverage.
3. The Town Council discussed the suggestion of Councilor Vassar to move the pre-meeting study session from the Plenary meeting room to the small conference room, which is located immediately behind the Plenary meeting room, perhaps to be effective after the start of the new years.

The study session ended at 6:59 O'clock p.m.

*Regular (rescheduled) meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular (rescheduled) session on Tuesday, December 27, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Council President Brian Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; and Peter Hojnicky, Metropolitan Police Chief were present.

*Also present:* Ed Dabrowski IT Director (Contract); and Dennis Adams, Town Board of Metropolitan Police Commissioners were also present.

**Minutes of the Previous Meeting**

The minutes of the regular meeting of 12 December 2011 were approved by general consent.

**Unfinished Business and General Orders:**

1. Receipt and Acknowledgment of a special donation in the amount of \$12,000 proffered by the Highland Elk's Lodge, to support the Summer G.R.E.A.T. Program. (Town Council should act to accept.) Noting that the School Resource Officer could not be in attendance, the Elk's

communicated prior to the meeting a preference for rescheduling. So, the Town Council moved on to the next item of business.

2. **Resolution No. 2011-56:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Special Public Safety Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-56. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2011-56**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL PUBLIC SAFETY FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Special Public Safety Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**SPECIAL PUBLIC SAFETY FUND**

Reduce Account:	#410.02 LE Canine Vehicle	\$878.88
	<i>Total 400 Series Reductions</i>	\$878.88
Increase Account:	#210.02 LE Canine & Vehicle Equip	\$878.88
	<i>Total 200 Series Increases</i>	\$878.88
<b>Total of All Fund Decreases:</b>		<b>\$878.88</b>
<b>Total of All Fund Increases:</b>		<b>\$878.88</b>

**DULY RESOLVED and ADOPTED** this 27th Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Resolution No. 2011-57:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Municipal Cumulative Capital Development Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-57. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND**

APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2011-57

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account:	#430.04 PD Comp. Replacement	\$370.28
	<i>Total 400 Series Reductions</i>	\$370.28

Increase Account:	#220.04 PD Vehicle Parts & Supplies	\$370.28
	<i>Total 200 Series Increases</i>	\$370.28

<b>Total of All Fund Decreases:</b>	<b>\$370.28</b>
<b>Total of All Fund Increases:</b>	<b>\$370.28</b>

DULY RESOLVED and ADOPTED this 27th Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2011-58:** A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection, Plan Commission and Advisory Board of Zoning Appeals Departments, Authorizing their transfer TO THE Unsafe Building Fund, pursuant to I.C. 36-7-9 et seq.

Councilor Herak moved the passage and adoption of Resolution No. 2011-58. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN COUNCIL of the TOWN of HIGHLAND  
RESOLUTION NO. 2011-58

A Resolution Regarding THE Disposition OF Appropriated Resources IN THE Building AND Inspection, Plan Commission AND Advisory Board OF Zoning Appeals Departments, Authorizing their transfer TO THE Unsafe Building Fund, pursuant TO I.C. 36-7-9 et seq.

WHEREAS, The Town of Highland by proper legislative action, has established an Unsafe Building Fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

WHEREAS, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the

annual budget for the various functions of the **Building and Inspection, Advisory Board of Zoning Appeals and the Plan Commission Departments of the Corporation General Fund**, all pursuant to IC 6-1.1-18-6.

**WHEREAS**, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection, Advisory Board of Zoning Appeals and the Plan Commission Departments of the Corporation General Fund;

**WHEREAS**, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing appropriations of the **Building and Inspection Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2011 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

**Building and Inspection Department**

Reduce Accounts:	#111.07 Chief Inspector's Salary	\$ 2,099.00
	#111.08 Inspection Secretary	\$ 2,335.00
	#111.10 Ordinance Enforcement Officer	\$ 4,027.00
	#111.14 Electrical Inspector	\$ 2,620.00
	#111.15 Mechanic's Wages	\$ 500.00
	#111.16 Inspection Clerk	\$ 2,565.00
	#111.17 Plumbing Inspector	\$ 400.00
	#112.01 FICA/Medicare	\$ 1,641.00
	#112.09 PERF Pension	\$ 500.00
	#112.10 PERF Annuity	\$ 200.00
	<i>Total 100 Series Reductions</i>	\$16,887.00
Reduce Accounts:	#210.01 Gasoline & Oil	\$ 35.81
	#220.04 Equipment Parts & Supplies	\$ 25.36
	<i>Total 200 Series Reductions</i>	\$ 61.17
Reduce Accounts:	#310.04 Tuition & Training	\$ 800.00
	#320.02 Travel Expense	\$ 100.00
	#330.01 Legal Notices	\$ 75.00
	#330.02 Misc. Printing	\$ 194.98
	#330.03 Zoning Change Signs	\$ 350.00
	#340.23 Group Health Premiums	\$ 1,007.92
	#340.43 Life Insurance Premiums	\$ 58.44
	#360.01 Equipment Repair & Maintenance	\$ 100.00
	#380.06 Service Agreements	\$ 100.00
	#390.01 Subscription & Dues	\$ 275.00
	#390.02 Refunds, Awards, Indemnities	\$ 150.00
	#390.14 Grass/Nuisance Enforcement	\$ 5,257.60
	<i>Total 300 Series Reductions</i>	\$ 8,468.94
Increase Account:	#310.05 Unsafe Building Demolition:	\$25,417.11
	<i>Total 300 Series Increases</i>	\$25,417.11

**Section 3.** That it has been shown that certain existing appropriations of the **Plan Commission Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2011 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

**Plan Commission Department**

Reduce Accounts:	#111.01 Plan Commissioner's Salaries	<u>\$ 360.97</u>
	<i>Total 100 Series Reductions</i>	<u>\$ 360.97</u>
Reduce Accounts:	#310.01 Legal Fees	\$5,600.00
	#330.01 Legal Notices	<u>\$ 200.00</u>
	<i>Total 300 Series Reductions</i>	<u>\$5,800.00</u>
Increase Account:	#310.05 Unsafe Building Demolition (Trans)	<u>\$6,160.97</u>
	<i>Total 300 Series Increases</i>	<u>\$6,160.97</u>

**Section 4.** That it has been shown that certain existing appropriations of the **Advisory Board of Zoning Appeals Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2011 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**CORPORATION GENERAL FUND**

**Advisory Board of Zoning Appeals Department**

Reduce Accounts:	#310.01 Legal Fees	\$4,500.00
	#320.01 Postage	\$ 60.00
	#330.01 Legal Notices	<u>\$ 100.00</u>
	<i>Total 300 Series Reductions</i>	<u>\$4,660.00</u>
Increase Account:	#310.05 Unsafe Building Demolition (Trans):	<u>\$4,660.00</u>
	<i>Total 300 Series Increases</i>	<u>\$4,660.00</u>

**Interfund Transfers**

**Section 5.** That the Town Council now has determined that there is a need at this time to provide money for the **Unsafe Building Fund**, pursuant to IC 36-7-9-14 (b) and that an appropriation in the amount of \$25,417.11 has been identified in the Building and Inspection Department of the Corporation Fund;

**Section 6.** That the Clerk-Treasurer be and is hereby directed to transfer the amount of **\$25,417.11 from the Account 310.05 of the Building and Inspection Department of the Corporation General Fund to the Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

**Section 7.** That the Town Council has determined that there is a need at this time to provide money for the **Unsafe Building Fund**, pursuant to IC 36-7-9-14 (b) and that an appropriation in the amount of **\$4,660.00** has been identified in the **Advisory Board of Zoning Appeals Department of the Corporation Fund**, and an appropriation in the amount of **\$6,160.97** has been identified in the **Plan Commission Department of the Corporation Fund** for a total amount of **\$10,820.97**;

**Section 8.** That the Clerk-Treasurer be and is hereby directed to transfer the amount of **\$4,660.00 from the Account 310.05 of the Advisory Board of Zoning Appeals Department of the Corporation General Fund to the Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

**Section 9.** That the Clerk-Treasurer be and is hereby further directed to transfer the amount of **\$6,160.97 from the Account 310.05 of the Plan Commission Department of the Corporation General Fund to the Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

**Section 10.** That any balance remaining at the end of a fiscal year shall be carried over in the Unsafe Building Fund for the following year and does not revert to the General Fund, pursuant to Section § 210.116 of the Municipal Code and IC 36-7-9-14(a).

**Section 11.** That money on deposit to the credit of the Unsafe Building Fund shall be expended, according to the purposes set forth in IC 36-7-9-14(c) upon proper appropriation, pursuant to IC 36-7-9-14(d), IC 36-5-4-2.

**Section 12.** That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to transfer the amounts, as identified less the difference between the revenue estimates for 2011 and the actual revenue for 2011 as of December 30, 2011, to the Unsafe Building Fund.

**DULY RESOLVED and ADOPTED** this 27<sup>th</sup> Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Resolution No. 2011-59:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Office Of The Clerk-Treasurer Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-59. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2011-59**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the OFFICE of the CLERK-TREASURER of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Office of the Clerk Treasurer of the Corporation General Fund;**

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Office of the Clerk-Treasurer Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**CORPORATION GENERAL FUND**

**Office of the Clerk Treasurer Department**

Reduce Account	#340.23 Health/Medical Benefits	<u>\$1,500.00</u>
	<i>Total 300 Series Decreases</i>	\$1,500.00
Increase Account:	#200.03 Miscellaneous Supplies	<u>\$1,500.00</u>
	<i>Total 200 Series Increases</i>	\$1,500.00

<b>Total of All Fund Decreases:</b>	<b>\$1,500.00</b>
<b>Total of All Fund Increases:</b>	<b>\$1,500.00</b>

**DULY RESOLVED and ADOPTED** this 27<sup>th</sup> Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2011-49:** An Order for the Temporary Closing of Municipal Building at the Municipal Building on Friday, December 30, 2011 for Year-end Fiscal and Records Administration Tasks.

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-49. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**The Town of Highland  
Board of Works  
Order of the Works Board No. 2011-49**

AN ORDER for the TEMPORARY CLOSING OF MUNICIPAL BUILDING at the  
MUNICIPAL BUILDING on FRIDAY, DECEMBER 30, 2011 FOR YEAR-END FISCAL AND RECORDS ADMINISTRATION TASKS

**Whereas**, The Town Council has been reliably advised that owing to the desire to ensure completion of several tasks associated with year-end fiscal and records administration, it may be advisable to reduce public access hours to the municipal building while maintaining a scheduled workday;

**Whereas**, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

**Whereas**, The Town Council now desires to modify the access hours of the Highland Municipal Building on Friday, December 30, 2011;

**Now Therefore be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the usual hours of **public access** at the administrative and associated offices (non-public safety) at the Highland Municipal Building on **Friday, December 30, 2011**, are hereby fixed at **8:30 a.m. to 1:30 p.m.** but the usual hours of operation or the scheduled workday are unchanged;

**Section 2.** That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order, which is to provide an opportunity for in-service training for administrative, clerical and other workers of the municipality;

**Section 3.** That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

**Section 4.** That this order shall be effective on and from its passage and adoption body;

**Be it so Ordered.**

**DULY, PASSED, ADOPTED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 27<sup>th</sup> day of December 2011 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, **IAMC/MMC/CPFA**  
**Clerk-Treasurer** (IC 33-16-4-1; IC 36-5-6-5)

7. **Proposed Ordinance No. 1502:** An Ordinance to Amend the Highland Municipal Code, Repealing Chapter 170 and Adding a New Subchapter Styled as Solid Waste Management and Disposal, also regarding rates and charges of the Sanitary District. *(The Town Council adopted a resolution to transfer authority for the administration of the Solid Waste program to the Board of Sanitary Commissioners. At its meeting of December 20, the Board conducted a hearing on the Trash fees and charges, adopting them as set forth in this ordinance. In order for the rates and charges to be finally approved and authorized for administration by the Board, the Town Council must consider this ordinance and favor it before the end of the year.)*

Councilor Herak introduced and moved the consideration of Ordinance No. 1502 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1502 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

ORDINANCE NO. 1502  
TOWN OF HIGHLAND

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE, REPEALING CHAPTER 170 AND ADDING A NEW SUBCHAPTER TO CHAPTER 171 STYLED AS SOLID WASTE MANAGEMENT AND DISPOSAL

**WHEREAS**, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

**WHEREAS**, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

**WHEREAS**, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing and amending them consistent with the Sanitary District Law; and

**WHEREAS**, IC 36-9-25-11 specifically provides that the Board of Sanitary Commissioners may fix fees for disposal of sewage and other waste discharged into the sewerage system, *which would include* -- structures necessary or useful for the collection, treatment, purification, and **sanitary disposal** of the liquid waste, **solid waste**, sewage, storm drainage, and other drainage of a municipality, and may change fees from time to time in order to produce revenues sufficient to pay operation, maintenance and Administrative expenses; and

**WHEREAS**, IC 36-9-25-9 expressly provides that *the board shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;*

**WHEREAS**, Pursuant to §171.66, Annual Review, of the Highland Municipal Code, the Board of Sanitary Commissioners has studied the current rates and charges of the district and has determined that the revenues are insufficient to provide reasonable funds for operation, maintenance, and replacements to the sewerage systems; and

**WHEREAS**, The Board has determined that establishing rates to support the costs associated with the **Solid Waste Management Program**, is necessary to provide sufficient revenues for operation, maintenance, and replacements to the program; and

**WHEREAS**, IC 36-9-25-11(e) provides that a change of fees may be made in the same manner as fees were originally established; however, if a change is made substantially pro-rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required.

**WHEREAS**, The Board conduct the proper public hearing and did pass a resolution to establish use rates for all classes of users for Solid Waste management services, noting that the management of Solid Waste is to be assumed from the civil government pursuant to an authorizing resolution of the Town Council, which is both the legislative body and works board of the municipality; and,

**WHEREAS**, The Board did transmit the resolution and the suggested ordinance for the adoption of the rates and charges for Solid Waste Management Program, and does request that the Town Council approve the rates and charges and adopt the ordinance presented,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Indiana, as follows:

**Section 1.** That the following provisions and associated rates and charges for the disposal of sewage and other waste discharged into the sewerage system, including solid waste, subject to IC 36-9-25-11(c) be approved;

**Section 2.** That Chapter 170 of the Highland Municipal Code be repealed in its entirety;

**Section 3.** That Chapter 171 of the Highland Municipal Code be amended by the establishment of a new subchapter to be styled as *Solid Waste Management and Disposal*, with such subchapter to include Section 171.50 through 171.59 and to read as follows:

*Solid Waste Management and Disposal*

**§ 171.50 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DWELLING UNIT.** A dwelling, or a portion of a dwelling, used by one family for cooking, living, and sleeping purposes eligible for refuse and recycling service provide by the Town of Highland.

**DWELLING(S).** A dwelling, or a portion of a dwelling, used primarily as a place of abode for one or more human beings, including apartment houses, but not including motels or hotels.

**GARBAGE.** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.



**REFUSE.** All putrescible and non-putrescible wastes (except human body wastes), including garbage and rubbish, and yard waste.

**RUBBISH.** Non-recyclable putrescible and non-putrescible solid waste, both combustible and non-combustible, including but not limited to paper, cardboard, bottles, tin cans, steel cans, aluminum cans, glass, bedding, rags, crockery, wood, furniture and appliances.

**RECYCLABLES.** Paper, cardboard, magazines, glass bottles (clear, brown, green), tin cans, steel cans, aluminum cans, plastic containers or other such items that the Town deems to be recyclable in nature.

**YARD WASTE.** Compostable organic waste resulting from the maintenance of lawns, gardens, landscapes and trees including grass clippings, tree branches, hedge trimmings, garden waste, and leaves. Yard waste does not include sod, dirt, rock, sand, etc.

**CONSTRUCTION AND DEMOLITION DEBRIS.** Rubbish generated by the construction, remodeling, or demolition of buildings or building appurtenances and includes concrete, brick, wood, roofing materials, gypsum board, piping and building fixtures (cabinets, water closets, windows, etc.)

<p><b>ELECTRONIC WASTE (E-Waste).</b> Waste that has one or more of these components: a circuit board, electronic component (diode, resistor, capacity, or coil), display device, computer, or electronic device. It does not include vehicles or white goods (refrigerator, ranges, water heater, or other similar large appliances).</p>
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#### **§ 171.51 ENFORCEMENT.**

The Director of Public Works as Superintendent of the Sewage works shall enforce this chapter.

#### **§ 171.52 GARBAGE OR REFUSE ORIGINATING OUTSIDE TOWN.**

No person shall dump garbage and/or rubbish within the town unless when such garbage and/or rubbish has its origin within the town.

#### **§ 171.53 LITTERING.**

No person shall throw or deposit on any lot, ground, premises, right-of-way, street, alley, drive, sidewalk or parkway, any garbage or rubbish except in containers as herein provided. ('83 Code, § 8-4) (Ord. 904, passed 6-11-84; Am. Ord. 904A, passed 9-24-84) Penalty, see § 170.99 Statutory reference: Littering, see I.C. 35-45-3-2

#### **§ 171.54 BURNING GARBAGE AND RUBBISH.**

No person shall openly burn or ignite refuse, garbage, or rubbish. ('83 Code, § 8-5) (Ord. 904A, passed 9-24-84) Penalty, see § 170.99

#### **§ 171.55 COLLECTION GENERALLY.**

(A) The collection and disposal of refuse within the corporate limits of the town shall be administered, operated, conducted, and/or maintained by and through the Board of Sanitary Commissioners under the terms and the provisions of this chapter. The town shall have the right, exercisable by its Board of Sanitary Commissioners, to appoint or contract with one or more persons, exclusively, or concurrently with the activities of the town, to collect and/or dispose of refuse, garbage or rubbish.

(B) Any person or persons owning or leasing any residence or establishment which fails to comply with the provisions of this chapter shall promptly remove and dispose of the garbage and rubbish accumulated by such person or persons at their own expense and in a sanitary manner.

(C) Except as otherwise provided in subdivision (D), commercial units which include a building or part thereof or establishment for the conduct of a single business, apartment houses of more than two units, and except those three and four dwelling unit apartment houses that have separate water metered service and individual billing to each dwelling unit, motels, hotels, ~~schools, churches~~, civic and athletic centers, and all other establishments which produce refuse, but are not dwellings, shall be responsible for the collection and disposal of refuse, garbage and rubbish in conjunction therewith.

(D) *Option to Participate.* Commercial units, which include a building or part thereof or establishment for the conduct of a single business and also have a single dwelling unit, which would not otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "waiver and option to participate letter," which would allow participation in the municipal solid waste program.

(1) In considering any application to participate, the Public Works Director shall consider the following matters related to the delivery of service:

- (a) Whether or not the applicant's participation materially affects the effectiveness of any or all of the services as outlined in **Section §171.58.1.**

- (b) Whether or not the applicant's participation materially affects the efficiency of any or all of the services as outlined in **Section §171.58.1.**
- (c) Whether or not the applicant's participation is equitable and the participation is in the public interest.

(2) If the Public Works Director determines and finds favorably for an applicant, a letter of waiver will be issued to the particular participant, a copy of which will be filed with the Board of Sanitary Commissioners **and Office of the Clerk-Treasurer** and which will remain in effect for the particular participant only.

(3) If an option to participate is granted, the participant shall be subject to the relevant provisions of the **Chapter 171**, including the requirement to pay the monthly solid waste management fees as set forth in **Section §171.58.1.**

(4) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and option to participate letter" with which the participant shall comply.

(5) Failure to comply with the rules or conditions of the waiver may result in revocation of the waiver and prevention from participation in the Solid Waste Management Program of the Town;

(E) *Limited Option for Exemption. Commercial units, which include a building or part thereof or establishment committed to the conduct of educational, literary, scientific, religious, or charitable purposes and also have a single dwelling unit, which would otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "exemption letter," which would allow extrication from the single dwelling unit in the municipal solid waste program.*

(1) In considering any application to participate, the Public Works Director shall consider all the matters set forth in Section § 171.58.1 (D) (1) and whether or not the single family dwelling will be used for educational, literary, scientific, religious, or charitable purposes and not serve any further residential purpose.

(2) If the Public Works Director determines and finds favorably for an applicant, *a letter of exemption* will be issued to the particular participant, a copy of which will be filed with the Office of the Clerk-Treasurer and the Board of Sanitary Commissioners and which will remain in effect for the particular participant only.

(3) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and exemption letter" with which the participant shall comply.

(4) Failure to comply with the rules or conditions of the waiver may result in revocation of the exemption and resumption of billing for and participation in the Solid Waste Management Program of the Town;

(F) No person or other entity shall collect, remove, pilfer, cremate, dispose or otherwise deal in refuse within the corporate limits of the town unless expressly authorized to do so by the Board of Sanitary Commissioners.

(G) It shall be unlawful to conduct or condone any unauthorized collections of recyclable materials, which are set out by town residents as part of the designated recycling program. Such unauthorized collections may reduce volumes of materials collected as part of a designated programs and thereby threaten the economic liability of the authorized program.

(H) The collection and disposal of refuse and recyclable shall be provided to each single and two family dwelling unit and to each three and four family dwelling unit, provided that each dwelling unit with a three and four family dwelling has separate water meter service with individual billing to each dwelling unit. Collection and disposal is subject to the following exceptions:

- (1) Furniture and appliances shall be limited to one item per week.
- (2) Appliances containing refrigerant gases are excluded unless properly evacuated of refrigerant gases.
- (3) Carpeting shall be cut and rolled into pieces that are capable of being handled by one person.
- (4) Construction and demolition debris is excluded.
- (5) Hazardous waste or medical waste is excluded.
- (6) Concrete is excluded.
- (7) Tires are excluded.
- (8) Electronic Waste is excluded.

#### § 171.56 GARBAGE CONTAINERS; PLACEMENT.

(A) Every tenant or owner of a dwelling or dwelling unit within the town shall provide suitable and sufficient containers for the deposit of garbage therein. Garbage shall be placed in containers made of plastic or metal, equipped with suitable handles and tight-fitting covers, and plastic garbage bags or similar receptacles. Said containers shall be water-tight and of a type approved by the town with a capacity of <b>not less than 20 gallons and no more than 32</b>
--

gallons, except that larger containers, up to 110 gallon, may be used providing that they are on rollers and designed to be emptied by standard mechanical equipment installed on the collection vehicle. Said containers shall be kept clean, neat, and sanitary at all times.

(B) All containers for the deposit of refuse shall be placed for collection at ground level by the owners of property within the right-of-way of a street or alley at the discretion of the Board of Sanitary Commissioners for dwellings, and shall be accessible and not more than 15 feet from the side of the street or alley from which collection is to be made. Such containers shall be placed in an orderly and sanitary manner on the days designated for the collection and removal of refuse by the town, or other party duly authorized to collect refuse. The containers shall be removed to the rear of the premises after collection is made and on the same date of collection.

#### § 171.57 RECYCLING CONTAINERS.

(A) The town shall provide to each dwelling unit one container to be used for the collection and disposal of recyclable.

(B) In addition to any terms set forth in any contract for recycling collection services which may be in force, the Public Works Director shall have the authority to identify additional recyclable articles under the Solid Waste Management program.

(C) Recycling containers, as provided by the town, shall remain the property of the town. Damaged containers shall be replaced at no cost to the customer. Lost or stolen containers may be replaced after payment of a replacement fee in an amount set forth in the fee schedule in § 171.58.1

(D) Recycling containers shall remain with the dwelling unit even upon changes of residents or transfers of ownership.

(E) Customers may obtain additional containers for the replacement fee set forth in the fee schedule in § 171.58. (Ord. 1058, passed 11-13-00)

#### § 171.58.1 SOLID WASTE MANAGEMENT FEES and SERVICES.

(A) Fees shall be charged in support of the Solid Waste Management Program of the town. The fees shall be reasonable and just and reasonably related to support the following activities and services of the town:

(1) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(2) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, that have been identified as recyclable articles by the town, placed for collection at ground level in the container provided by the town, and not more than 15 feet distant from the side of the street from which collection is made.

(3) Collection and disposal of tree leaves, associated with qualified residential dwelling units, seasonally placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(4) Collection and disposal of articles of garbage and refuse associated with qualified residential dwelling units that have been identified as yard waste by the town, placed for collection at ground level, properly contained and not more than 15 feet distant from the side of the street from which collection is made.

(5) On-demand collection and disposal of branches or fallen tree limbs associated with qualified residential dwelling units, placed for collection at ground level and not more than 15 feet distant from the side of the street from which collection is made.

(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units principally occupied by persons who are 65 years or age or older, and upon approved applications with the **Public Works Director**, shall be discounted as set forth in the schedule of fees in this section. **PRINCIPALLY OCCUPIED** shall mean that at least 50 % of the regular occupants in the dwelling are persons 65 years of age or older, or at least one owner of a jointly owned dwelling is 65 years of age or older.

(C) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater and other services. Solid waste management fees shall be deposited into the General Fund of the town.

(D) *Waiver of Fees.* The solid waste management fees which shall be imposed under this chapter may be temporarily waived for a time certain pursuant to the following:

(1) Person(s) desiring the waiver shall contact the billing authority and apply for such a waiver, and

(2) Person(s) desiring the waiver shall have paid a fee for a temporary cessation of water service *in the amount set forth in the schedule of fees set forth in Chapter 190.*

- (3) The duration of the waiver will be concurrent with the duration of the cessation of water service. The waiver ceases or expires upon resumption of water service.

(E) *Alternative Waiver (Refund) of Fees.* For those persons for whom a temporary water service cessation is impracticable, owing to a water-based heating system, who would seek otherwise seek a waiver under the provisions Sec. § 171.58.1 (D), solid waste management fees may be *refunded* for a time certain, pursuant to the following:

- (1) Person(s) desiring the refund shall contact the billing authority and apply for such refund; and
- (2) Person(s) desiring the refund shall have paid a special cessation of solid waste management services fee in the amount set forth in the schedule of fees set forth in this chapter.
- (3) The refunds will be of those fees paid during the time period of the desired temporary cessation of service, owing to extended absences from the customer residence.
- (4) In order to determine the length of time for which a refund may be made, the following apply:
  - (a) No refund will be given for any month in which there is evidence of more than minimum water consumption; and
  - (b) No refund will be given without reasonable documentation of actual absence, which may include but not be limited to out-of-state utility bills, active bank accounts and the like.

(F) *Limited Waiver of Fees for Certain Two-Family Dwellings.* In the event that one unit of a two-unit dwelling, without a separate water meter and/or account status, becomes vacant, for a period of not less than four months, the property owner may request a waiver of the solid waste management fee charged for the unoccupied unit pursuant to the following:

- (1) Person(s) who desire this limited waiver shall contact the Public Works Director, and apply for such a waiver, not sooner than the first day of the month following the date of the vacancy; and,
- (2) The duration of the limited waiver of fees in this subsection shall be for (4) months. Persons may renew the waiver with the Public Works Director.
- (3) Unless specifically renewed, the Public Works Director will advise the billing authority that the solid waste management fee charges shall resume, in full, beginning on first month following the waiver's lapse.
- (4) Person(s) shall notify the Public Works Director in the event that the vacant unit becomes occupied before the fee waiver expires. The solid waste management fee shall be reinstated and charged beginning in the month that the unit becomes occupied.
- (5) In the event that the owner fails to notify the Public Works Director prior to the reoccupation of the vacant unit, all waived solid waste management fees shall be reinstated, back to the first day of the waiver period. Application shall be on forms to be provided by the Office of the Clerk Treasurer and shall include name, address, account number, and the specific reason for the request.

(G) The solid waste management and other fees shall be charged according the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption an ordinance, pursuant to the terms of IC 36-9-25 et seq.:

#### **Solid Waste Management Fees Schedule**

Monthly solid waste management fees

- |            |   |                |
|------------|---|----------------|
| <b>(1)</b> | <b>For the period beginning January 1, 2012:</b>  |                |
| (a)        | Qualified dwelling unit (per unit):   | <b>\$18.05</b> |
| (b)        | Two-family dwelling per unit:   | <b>\$18.05</b> |
| (c)        | Single and two-family dwellings principally occupied by persons 65 years of age or older: | <b>\$17.05</b> |
| (d)        | Recycling container replacement fee:  | <b>\$10.00</b> |
| <b>(4)</b> | <b>For the period beginning April 1, 2012:</b>  |                |
| (a)        | Qualified dwelling unit (per unit):   | <b>\$18.65</b> |

(b)	Two-family dwelling per unit:	\$18.65
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$17.65
(d)	Recycling container replacement fee:	\$10.00
(5)	<b>For the period beginning April 1, 2013:</b>	
(a)	Qualified dwelling unit (per unit):	\$19.28
(b)	Two-family dwelling per unit:	\$19.28
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$18.28
(d)	Recycling container replacement fee:	\$10.00

#### § 171.58.2 APPEALS.

Any person aggrieved by a regulation of, a decision of, or a fee charged by the Director shall have the right of appeal to the Board of Sanitary Commissioners who shall have the authority to confirm, modify, or reject any such regulation, decision, or fee. If the aggrieved party does not accept the findings and order of the Board of Sanitary Commissioners, any such finding or order shall be appealable to the courts as provided by law.

#### § 171.58.3 LIABILITY FOR PAYMENT.

The user charges shall be billed to the person being billed for water service at the residence dwelling, unless by contract with the town, and other persons assume such responsibility. If a tenant or occupant is billed, the owner shall in no way be relieved of the liability in the event payment is not made by the tenant or occupant as herein provided. Such owner shall have the right to examine the town's collection records to ascertain whether such charges have been paid.

#### § 171.58.4 DELINQUENT ACCOUNTS.

(A) *How delinquencies arise.* Fees levied pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date shall be considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.

(B) *As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10% of such rates or charges shall thereupon attach thereto.* The time at which such rates or charges shall be paid is now fixed at 30 days after the date of mailing of the bill, pursuant to § 171.65 of this chapter.

#### § 171.58.5 PROCEDURES AND FEES FOR DISPOSAL OF REFUSE.

(A) *Permitted uses.* The disposal of compactable refuse by residents of the town shall be permitted in accordance with this chapter.

(B) *Prohibited uses.* There shall be no commercial dumping or disposal of refuse by commercial vendors or any contractors. Further, non-residents of the town are prohibited from disposing of refuse at the Highland Public Works Facility.

(C) *Permit and fees.*

(1) Any person dumping refuse at the Highland Public Works Facility shall first secure a "dumping permit" from the office of the Clerk-Treasurer. The permit shall identify the name, address, and phone number of the permittee; vehicle type and license number; description of the refuse to be disposed; and disposal fee. Dumping refuse without a valid permit is prohibited said permit shall be presented to the dumpster attendant prior to dumping refuse, and the dumpster attendant shall verify that the permit is proper for the refuse being disposed.

(2) Fees for the disposal of residential refuse by residents of the town shall be collected by the office of the Clerk-Treasurer according to the following schedule:

- |     |   |
|-----|---|
| (a) | <i>Compactor rate.</i> Construction and demolition debris; extra trash (less than four feet in length): |
| 1.  | Pickup truck, van, or one ton dump truck (full): \$10.  |
| 2.  | Minimum fee (car load): \$5.  |
| (b) | <i>Open container rate.</i> Extra trash; construction and demolition debris (over four feet in length): |
| 1.  | Pickup truck, van, or one ton dump truck: \$20.   |
| 2.  | Furniture, appliances, mattresses, and the like (each piece): \$5.                                      |

(c) *Tree branch disposal.* No charge.

(d) Concrete, up to one (1) cubic yard: \$5

(D) Concrete. Disposal of concrete at the Highland Public Works Facility is limited no more than one (1) cubic yard.

(E) *Hours.* The Highland Public Works Facility shall be available for the disposal of refuse in accordance with the provisions of this chapter from Monday through Saturday from the hours of 8:30 a.m. through 3:30 p.m.

(F) *Temporary fee waiver by order of the Board of Sanitary Commissioners President.* Whenever an intense weather or other natural event has occurred which has unduly caused or created an unusual and involuntary increase in the volume of trash or debris experienced by residents of the town, the Board of Sanitary Commissioners hereby authorizes that the Board of Sanitary Commissioners President, when in his opinion the public good would require it, may issue a written order, directed to the Public Works Director and the Clerk-Treasurer, indicating that for the foregoing reasons set forth in this division, the fees set forth in the schedule under this section for refuse services at the Public Works Facility are waived for residents, with such waiver to be for a time certain and not to exceed a period of three weeks. Further, such order should be reported to the Board of Sanitary Commissioners for its information in a timely manner. ('83 Code, § 8-16) (Ord. 921, passed 11-25-85; Am. Ord. 921A, passed 2-24-86; Am. Ord. 997, passed 12-28-93; Am. Ord. 1039, passed 7-22-96) Penalty, see § 170.99

#### § 171.59.1 ABANDONED OR UNATTENDED MAJOR APPLIANCES.

(A) *Abandoning or leaving freezers, refrigerators, iceboxes, ice chests, and other major appliances.* The provisions of this chapter shall apply to any icebox, refrigerator, freezer, ice chest, dryer, washer, or other major appliance having a capacity of one and one-half cubic feet or more. No person, firm, corporation, or organization shall abandon any such refrigerator, freezer, icebox, ice chest, or other major appliance any place within the town. No person shall leave any such refrigerator, freezer, icebox, ice chest, or other major appliance unattended out-of-doors. The purpose of this chapter is to prevent children from dying from lack of air as a result of being locked in such a refrigerator, icebox, ice chest, freezer, or other major appliance.

(B) *Removal of hinges and doors.* Any person, firm, corporation, or organization that shall have abandoned or left out-of-doors a refrigerator, freezer, icebox, ice chest, or other major appliance shall immediately take steps to avoid the danger of a child being trapped inside by removing the door of such freezer, refrigerator, icebox, ice chest, or other major appliance before taking the same out-of-doors.

#### § 171.59.2 ROLLOFF CONTAINERS.

(A) *Private Roll-off Containers.* No person, firm, corporation, or organization shall place a roll-off container, POD, closed container upon a public street or alley without first securing a permit from the Town. Application shall be made to the Town of Highland on prescribed forms that shall include the name, location, size, type; dates and times container shall be placed upon the public way; name and address of the company supplying said container; and the description of the debris to be disposed. All containers placed upon a public street or alley shall be equipped with reflectors and flashing lights for the safety of the public.

(B) Any company that provides roll-off container service, shall have on file with the Town of Highland, form of surety in the amount not less than \$5,000, to cover any damages to pavement or public infrastructure that may be damaged while unloading, loading, or placing of roll-off containers.

(C) *Permit Fees* for the placement of a roll-off container upon a public street shall be collected by the office of the Clerk-Treasurer according to the following schedule:

- |    |                       |      |
|----|-----------------------|------|
| 1. | Up to three (3) Days: | \$25 |
| 2. | Each Additional Day:  | \$10 |

**Section 2.** The Highland Municipal Code be further amended by amending Section 171.118 by repealing it in its entirety and replacing it with a new section, to be numbered 171.118 and to read as follows:

#### § 171.118 PENALTIES AND FINES

(A) Penalties and fines shall be assessed as follows:

1. Any person who violates this ordinance shall be subject to a fine not to exceed \$100.00. Every day any violation of this Ordinance shall continue shall constitute a separate offense. The Authorized Enforcement Agency may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Ordinance;

2. Any person who violates, disobeys, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance shall, upon prosecution, be fined not more than \$2,500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) Any person, entity or organization who shall violate any provisions of Sections 171.50 through 171.59.2 shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk or Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(C) If such persons, entity or organization shall violate any provisions of Sections §171.50 through § 171.59, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$25 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

**Section 4.** That pursuant to IC 36-9-25-11(e), the passage and adoption of this ordinance shall constitute legislative body approval of the fees and charges set forth in this ordinance as previously approved by the Board of Sanitary Commissioners;

**Section 5.** That the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the district, upon its passage and adoption, pursuant to its terms and effective dates set forth herein;

**Section 6.** That upon its passage and adoption, the provisions of this ordinance shall be effective immediately, evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a), subject to any requirements for publication, which, may be required, pursuant to IC 36-5-2-10.

The forgoing provisions were in resolution form, introduced in the meeting of the Board of Sanitary Commissioners of November 15, 2011, where it was ordered for a public hearing, all pursuant to IC 36-9-25-11. The public hearing was conducted at the meeting of December 20, 2011. Following the hearing, the resolution was passed and adopted by the Board of Sanitary Commissioners by a vote of 4 in favor and 0 opposed.

Introduced and Filed on the 27<sup>th</sup> day of December 2011. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 27<sup>th</sup> Day of December 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

/s/Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

8. Action on proposal for renewal of Underground Tank Insurance as presented by Brown Insurance Group. Colony Insurance is underwriter. Action would be for the period 1/1/2012 through 12/31/2012. The Town is being offered \$1,000,000 of broad form coverage for a premium of \$2,022 plus \$53.05 in surplus lines tax and an inspection fee of \$100. This represents a total cost of \$2,175.05, an increase of \$83.02 from the prior year.

Councilor Herak moved to approve the Underground Tank Insurance as presented to be underwritten by Colony Insurance, with Brown as Agent, at a single premium of \$2,175.00 Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The insurance was approved.

9. Renewal for the Workers Compensation Plan, effective February 1, 2012, with IPEP as presented by Brown Insurance Group. It is noted that the Town earned some credits based upon good participation in several IPEP sponsored workshops and safety events. The proposed premium or "contribution" is \$92,419.00, lowered from \$126,601.00 by an IPEP Credit of \$34,182.00, rendering the premium in the amount presented.

Councilor Kuiper moved to approve the Workers Compensation Plan, as presented by Brown Insurance Group, with IPEP, at an annual premium of \$92,419. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The renewal with IPEP was approved.

10. **Works Board Order No. 2011-50:** An Order Authorizing, And Approving The Payment Of Elective Honoraria Or Stipends To The Highland High School Band In Recognition Of And

In Goodwill For Its Appearance And Public Performance In The Annual Highland Christmas Twilight Parade.

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-50. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2011-50

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the HIGHLAND HIGH SCHOOL BAND in Recognition of and in Goodwill for its APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND CHRISTMAS TWILIGHT PARADE.

**Whereas**, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas**, The Highland Community Events Commission, did organize and marshal several community events which included but were not limited to the annual Independence Day and Christmas Parades, the annual Independence Day Festival, and Historic Re-Enactments; and

**Whereas**, The Highland Community Events Commission did invite the Highland High School Marching Band to participate in the Christmas Twilight Parade;

**Whereas**, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the participating marching bands as well as other special groups;

**Whereas**, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas**, The Town Council has been reliably advised that the bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

**Whereas**, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas**, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Highland High School Marching Band which participated in the most recent **Christmas Twilight Parade**, be paid an elective honorarium, in appreciation and recognition of their participation, in the amount of two hundred dollars (\$200);

**Section 2.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 3.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**



**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several bands as well as special groups which participated in the most recent **Christmas Twilight Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, and to take such other measures to carry-out the purposes and objects of this order.

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 27<sup>th</sup> day of December 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

11. Action of the Town Council as appointing authority to consider approval of an Annual Conflict of Interest Disclosure Statement filed by John Mouratides, Sr., who, along with his son, John Mouratides, Jr. possesses ownership in Powerhouse Inc., d.b.a AMICI GRILL which is contracted from time to time to provide sandwiches and food to the Town of Highland. Mr. Mouratides is also a Fleet Division Supervisor. This filing is pursuant to IC 35-44-1-3.

Councilor Kuiper moved to accept and approve the filing of the conflict disclosure statement as presented. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The disclosure statement was accepted and approved.

#### NEW BUSINESS

It was noted that the IT Director had filed for the Town Council's consideration a proposed agreement with Comcast for email/internet services after the Agenda was completed.

**COMCAST Internet/E-Mail Services Agreements.** Term: 36 months with a monthly cost of \$101.90 for a total cost of \$ 3,668.40 and another serving the Fire Department with a term of 36 months, with a monthly cost of \$81.90 for a total cost of \$2,948.40. Councilor Zemen moved to accept and adopt the agreement. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The agreement was accepted and adopted.

#### **Comments from the Town Council Members (For the Good of the Order)**

- **Councilor Bernie Zemen:** *Park and Recreation Board Liaison • Redevelopment Commission Liaison • Chamber of Commerce Liaison.*

Councilor Zemen wished all a Happy New Year, reminded all of the annual Fireworks event for New Year's Eve at Main Square and noted the administration of the oath of office for the Councilors-elect to take place on December 30, 2011 at 11:00 a.m. at the Highland Town Hall. The administration of the oath to be made by George Parras, Judge of the Lake Circuit Court.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak wished everyone Happy New Year.

*Amend the Agenda.* Councilor Herak moved to amend the agenda to permit consideration of rescheduling the standing meeting schedules of the Town Council for January 2012 only.

Councilor Kuiper seconded. A two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended to include rescheduling of the January 2012 standing meetings of the Town Council.

**January Standing Meetings for the Highland Town Council.** Councilor Herak moved that the standing meetings of the Town Council for January be rescheduled as follows: Monday, January 16 and Monday January 30 to be set as Plenary Business Meetings, with a study session immediately before each at 6:30 p.m. and that Monday, January 9 and Monday January 23 to be scheduled as study sessions to begin at 7:00 p.m. Councilor Kuiper seconded. Upon a vote *viva voce*, a two-thirds vote being necessary, the Town Council President deemed that the necessary two thirds voted in the affirmative. The motion passed. The meetings were rescheduled as indicated.

- **Councilor Dan Vassar:** •*Plan Commission Member.*

Councilor Vassar expressed appreciation to Korellis Roofing, which recently indicated that it would make needed repairs to the roof of the Town Theater at Kennedy Avenue, which the Redevelopment Commission was trying to acquire.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper wished all a Happy New Year.

- **Council President Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Chairman, Board of Police Pension Trustees • Municipal Executive.*

The Council President expressed his appreciation for his opportunity to serve at the 59<sup>th</sup> municipal executive.

#### **Comments from the Public or Visitors**

1. Don Johnson, 8952 Grace Street, Highland, inquired about the status of the house razed across from his home also located on Grace Street, particularly the continuing care of the location. He further inquired whether he could lawfully park his vehicle on the driveway of that property.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 13, 2011 through December 27, 2011. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors docket was allowed and the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$235,705.04; Motor Vehicle Highway and Street (MVH) Fund, \$19,993.77; Local Road and Street (LRS) Fund, \$9,900.00; Parks/VIPS Public Safety Fund, \$766.87; Law Enforcement Cont. Education and Supply Fund, \$1,912.29; Capital Projects Retainage Fund, \$12,235.00; Gasoline Agency Fund, \$10,083.36; Information and Communications Technology Fund, \$6,348.36; Solid Waste District Grant Fund, \$1,021.50; Civil Donation Fund, \$46.73; Special Events Non Reverting Fund, \$1,702.00; Cumulative Capital Improvement Fund, \$68,102.00; Municipal Cumulative Capital Development Fund, \$11,209.24; Traffic and Law Violations Agency Fund, \$9,181.00; Safe Neighborhood Grant Fund, \$2,016.00; Sexual Predator Grant Fund, \$3,879.00; Corporation Capital Fund, \$35,469.46; Special Public Safety Fund, \$2,924.42; Total: \$432,496.04.**

**Adjournment.** Councilor Zemen moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular (rescheduled) plenary meeting of the Town Council of Tuesday, December 27, 2011 was adjourned at 7:39 O'clock p.m. No study session followed the meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer